



Express Mail No. EV 456 933 066 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Falb <i>et al.</i>	Confirmation No.:	2738
Serial No.:	09/970,820	Art Unit:	1636
Filed:	October 5, 2001	Examiner:	MICHAEL D BURKHART
For:	COMPOSITIONS AND METHODS FOR THE TREATMENT AND DIAGNOSIS OF CARDIOVASCULAR DISEASE	Attorney Docket No:	7853-0284-999 (709181-999242)

**RESPONSE TO ELECTION/RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Election/Restriction Requirement dated June 25, 2004 for the above identified patent application, in which the Examiner issued a restriction requirement, Applicants submit the remarks presented below for consideration.

Applicants are filing concurrently a Petition for Extension of time for two (2) months up to and including September 27, 2004 (September 25, 2004 having fallen on a Saturday).

**Restriction Requirement**

The Examiner required restriction under 35 U.S.C. § 121 to one of the following inventions:

- I. Claims 67-99, drawn to antibodies to the rchd523 protein, classified in class 530, subclass 387.9; and
- II. Claims 100-102, drawn to methods of treating patients with cardiovascular symptoms with antibodies from Group I, classified in class 420, subclass 139.1 and 178.1.

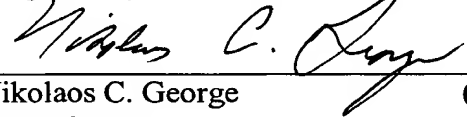
In response, Applicants elect to prosecute Group I (claims 67-99) directed to Rchd523 antibodies without transverse. Applicants fully reserve their right to prosecute the subject matter of the non-elected claims in subsequent applications.

Applicants believe that the claims of the instant application meet all of the conditions for patentability and are in condition for allowance. Accordingly, an early indication of the same is respectfully requested.

No fee in addition to the extension fee is believed to be due with this response. However, if it is determined that additional fees are due, please charge them to Jones Day Deposit Account No. 50-3013. A copy of this sheet is enclosed for accounting purposes.

Date: September 27, 2004

Respectfully submitted,

  
Nikolaos C. George 39,201  
JONES DAY (Reg. No.)  
222 East 41st Street  
New York, New York 10017  
(212) 326-3939